



3. Pursuant to 28 U.S.C. § 1332, this Court has jurisdiction over the State Court Action because: (1) there is complete diversity of citizenship between Plaintiffs and Defendants; and (2) the amount in controversy exceeds \$75,000, exclusive of interest and costs. As a result, the State Court Action is removable under 28 U.S.C. §§ 1332(a)(1) and 1441(a).

4. This removal is timely because it was filed within 30 days after service of the Complaint filed in the State Court Action was made upon Defendants. The Complaint was the initial pleading setting forth Plaintiffs' claim for relief upon which such action is based. The date of service on Defendant Security National was November 12, 2019. Defendant Frederick has not yet been served.

#### **DIVERSITY JURISDICTION**

5. This action involves a controversy between citizens of different States.

6. Main Dental Center, PC and DK Buster, LLC are corporate citizens of Texas.

7. Security National is a corporation incorporated in Delaware with its principal place of business in New York. It is a citizen of both Delaware and New York for diversity purposes.

8. Bernadine Frederick is an individual citizen of Pennsylvania for diversity purposes.

9. There is complete diversity of citizenship between both Plaintiffs (Texas citizenship) and Defendant Security National (Delaware and New York citizenship) and Defendant Frederick (Pennsylvania citizenship) as contemplated by § 1332(a)(1).

10. As Plaintiffs' petition indicates, Plaintiffs are not citizens of any state as are either Defendants.

#### **AMOUNT IN CONTROVERSY**

11. As to the monetary threshold in 28 U.S.C. § 1332(a), the Plaintiff plead for damages greater than \$75,000 (Plaintiff's Original Petition, paragraph 54); therefore the amount in

controversy exceeds \$75,000, exclusive of interest and costs. The amount in controversy requirement of 28 U.S.C. § 1332 is satisfied pursuant to 28 U.S.C. § 1446(c)(2).

**COMPLIANCE WITH PROCEDURAL PREREQUISITES TO REMOVAL**

12. Venue is proper in the United States District Court for the Southern District of Texas under 28 U.S.C. § 1391(c)(2), because Defendants are subject to personal jurisdiction in this District with respect to this action, and the case is being removed from the Harris County District Courts in the State of Texas. Venue is also proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the alleged events or omissions giving rise to the claim occurred in this District.

13. Pursuant to 28 U.S.C. §1446(a) and Local Rule 81.1, Defendants attach:

- a. an index of all documents that clearly identifies each document and indicates the date the document was filed in the state court action (see Tab A);
- b. a copy of the docket sheet in the state court action (see Tab B);
- c. all executed process in the case; pleadings asserting causes of action, e.g., petitions, counterclaims, cross actions, third-party actions, interventions and all answers to such pleadings; and any orders signed by the state judge (none) (see Tab C); and
- d. a list of all counsel of record, including addresses, telephone numbers and parties represented (see Tab D).

14. Pursuant to Local Rule 3, Defendants are simultaneously filing a Civil Cover Sheet.

15. Pursuant to 28 U.S.C. §1446(d), promptly after Defendants file this Notice of Removal, they will give written notice of the filing to Andrew C. Cook and Sean H. McCarthy, attorneys for the Plaintiffs.

16. Pursuant to 28 U.S.C. § 1446(d), promptly after Defendants file this Notice of Removal, they will file a true copy with the Clerk of the Harris County District Court, the state court from which this action was removed.

17. Plaintiffs demanded a trial by jury in their Original Petition.

18. This case is being removed from the 295th Judicial District Court of Harris County, Texas, located at 201 Caroline, 14<sup>th</sup> Floor, Houston, Texas 77002.

### **RELIEF REQUESTED**

19. This motion was timely filed. The amount in controversy, exclusive of interest and costs, exceeds \$75,000, satisfying the jurisdictional amount requirement. Complete diversity of citizenship exists as to the Plaintiffs and Defendants. This Court has jurisdiction over this action pursuant to 28 U.S.C. 1332(a). This action is properly removable pursuant to 28 U.S.C. § 1441.

**ON THESE GROUNDS**, Defendants respectfully request that the State Court Action be removed to this Court, that this Court accept jurisdiction of this action, and that this action be placed on the docket of this Court for further proceedings as though this action had originally been instituted in this Court. Defendants also pray for such other and further relief as they may be justly entitled.

Respectfully submitted,

/s/ Leo John Jordan

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**ATTORNEYS FOR DEFENDANTS  
SECURITY NATIONAL INSURANCE  
COMPANY and BERNARDINE FREDERICK**

**CERTIFICATE OF SERVICE**

This is to certify that on the 25th day of November, 2019, I electronically filed a true and correct copy the foregoing with the Clerk of Court using the CM/ECF system, which will send notification and serve such filing to all attorneys of record in this case in accordance with the Federal Rules of Civil Procedure.

/s/ Leo John Jordan

Leo John Jordan